

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q72653

Kenichiro NAKAJIMA

Appln. No.: 10/531,480

Group Art Unit: 1793

Confirmation No.: 9084

Examiner: John P. SHEEHAN

Filed: April 15, 2005

For: ALLOY CONTAINING RARE EARTH ELEMENT, PRODUCTION METHOD THEREOF, MAGNETOSTRICTIVE DEVICE, AND MAGNETIC REFRIGERANT MATERIAL

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98**

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed after either a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), but before payment of the Issue Fee, and therefore the fee of \$180.00 under 37 C.F.R. § 1.17(p) is being remitted, and a Statement Under 37 C.F.R. § 1.97(e).

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication from a foreign patent office in a counterpart application citing such documents (Office Action in Japanese Patent Application No. 2003-349682), together with an English-language version of at least that portion of the Communication indicating the degree of relevance found by the foreign patent office.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant submits the following explanations: An English-language abstract is being provided for JP 01-246342 which constitutes a concise statement of the relevance of this document.

The listed JP 2004-100043 corresponds to U.S. 2005/0079446 which constitutes a concise statement of the relevance of this document.

JP 2003-096547 and JP 2000-054086 are also cited and discussed in the Japanese Office Action. These documents were cited and submitted in the Information Disclosure Statement filed on April 15, 2005. The Japanese Office Action constitutes a further concise statement of the relevance of these documents. Since copies of these documents were previously filed, copies are not being submitted at this time.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

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The statutory fee of \$180.00 is being charged to Deposit Account No. 19-4880 via EFS Payment Screen. The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

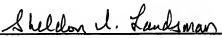
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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 3, 2009


Sheldon I. Landsman
Registration No. 25,430

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MATERIAL

STATEMENT UNDER 37 C.F.R. § 1.97(e)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

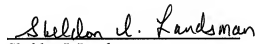
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